

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**Criminal Appeal No. 62 of 2000**

**Date of decision 14.6.2007**

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**State of H.P.**

**...Appellant.**

**Versus**

**Bansi Ram and others**

**...Respondents.**

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***Coram***

**The Hon'ble Mr. Justice : Surjit Singh, Judge.**

**Whether approved for reporting?<sup>1</sup>**

**For the appellant : Mr. Ashok chaudhary, Addl. A.G.**

**For the respondents : Mr. Surender Verma, vice Mr. Subhash  
Sharma, Advocate.**

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**Surjit Singh, Judge ( Oral )**

Respondents were sent up for trial for an offence punishable under Section 324 read with Section 34 of the Indian penal Code for allegedly causing hurt to one Braham Dass by means of a sickle, when he was mowing grass from a piece of land.

2. Trial Court has acquitted the respondents holding that there was bona fide dispute regarding possession of the piece of land from which Braham Dass was mowing grass and that when he was prevented from mowing grass from the piece of land which the respondents claimed to be in their possession, scuffle took place in which Braham Dass sustained injuries.

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<sup>1</sup> Whether reporters of Local papers may be allowed to see the Judgment?

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3. I have heard learned Additional Advocate General for the appellant as also the learned counsel for the respondents and perused the record.

4. The record shows that initially one Bakshi, son of Ram Dayal was the owner of the piece of land from where injured Braham Dass was mowing grass on the fateful day. When Bakshi was the owner of this piece of land, one of the respondents, namely Bansi Ram was recorded in possession thereof as a tenant at will. Bakshi sold the land to Braham Dass vide sale deed registered on 12.4.1989. Consequently mutation was attested in favour of Braham Dass. However, no change in the column regarding the name of the person in cultivating possession took place, meaning thereby that Bansi's possession and status as tenant at will was not affected by the transfer. In other words, Bansi, respondent, as per entries in the record, is in lawful possession of the land. This position is borne out from the copy of mutation order, which is available on the record of the trial Court.

5. In view of the above stated position, the finding recorded by the trial Court that the incident took place because of a bona fide dispute between the parties with respect to the possession of the piece of the land from where Braham Dass was mowing grass, cannot be said to be perverse. Consequently appeal is dismissed.

**June 14, 2007 (BC)**

**( Surjit Singh )  
Judge**